

**Nos. 14-2178, 14-2181 (cons.)**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

**In re: National Heritage Foundation, Incorporated, Debtor.**

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**Jonathan D. Miller; Nye, Peabody, Stirling, Hale & Miller, LLP;  
Daniel Joseph Schendzielos; Schendzielos & Associates, LLC,  
John R. Behrmann; Nancy Behrmann, Appellants**

v.

**National Heritage Foundation, Inc., Appellee**

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APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA, AT ALEXANDRIA  
No. 1:14-cv-00859-LMB-TCB; No. 1:14-cv-00875-LMB-TCB

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**APPELLEE NATIONAL HERITAGE FOUNDATION, INC.'S  
UNOPPOSED MOTION TO CORRECT CAPTION**

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Appellee National Heritage Foundation, Inc. ("NHF"), by its attorneys, pursuant to Federal Rule of Appellate Procedure 27(a), respectfully moves the Court to correct the Court's official caption in this appeal, and in support thereof states as follows:

1. This appeal arises out of an order of the United States District Court for the Eastern District of Virginia, which awarded NHF sanctions under Federal Rule of Bankruptcy Procedure 8020 against Appellants John R. Behrmann and Nancy Behrmann and their attorneys and those attorneys' law firms for the filing

of a frivolous appeal of an order of the United States Bankruptcy Court for the Eastern District of Virginia, which, in turn, had imposed sanctions for Appellants' violation of its contempt order. The parties to this appeal are John R. Behrmann; Nancy Behrmann; Jonathan D. Miller; Nye, Peabody, Stirling, Hale & Hiller LLP; Daniel Jospeh Schendzielos; and Schendzielos & Associates, LLC as Appellants, and NHF as Appellee. There is no "creditor," trustee" or other "debtor" at issue.

2. Nonetheless, the caption that the Court has used in its Orders in this appeal continues to have extraneous individuals and entities listed as parties to the appeal, along with certain other inaccurate information.

3. For example, it lists Ms. Janet Ridgley as a "debtor." Ms. Ridgley, who is an officer of NHF, is not a debtor and never has been. Naturally, one who is not a debtor should not be held out as one. Ms. Ridgely is not a party to this appeal.

4. Others who are not parties to this appeal and improperly listed are the Official Committee of Unsecured Creditors of National Heritage Foundation, Inc., and Judy A. Robins, II, as Trustee.

6. NHF therefore respectfully requests that this Court correct the caption.

**Local Rule 27(a) Certification:** One of NHF's attorneys, David B. Goroff, has spoken with counsel for Appellants, John F. Bloss, who does not oppose the granting of this motion.

WHEREFORE, NHF respectfully prays that the Court grant this motion and correct the caption to read as indicated in Exhibit A.

Dated: November 12, 2014

Respectfully submitted,

/s/ David B. Goroff

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ATTORNEYS FOR APPELLEE  
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INC.

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 12th day of November, 2014, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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# EXHIBIT A

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